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City Council Regular Meeting Minutes

Monday, November 22, 2021
Zoom Community Auditorium

***Minutes are unofficial until approved by City Council.
Council approved minutes as presented December 13, 2021.***

A. Call to Order:

Mayor Truax called the regular City Council meeting to order at 7:00 p.m. via Zoom Webinar Video Conference. The meeting was held in a “hybrid” format allowing the public to attend both virtual and in-person in the Community Auditorium. Members of the public could observe the meeting **LIVE** on **Zoom Webinar** or on television on Tualatin Valley Community Television (TVCTV) Government Access Programming.

1. **ROLL CALL: COUNCIL PRESENT ATTENDED BY ZOOM WEBINAR:** Donna Gustafson; Kristy Kottkey; Timothy Rippe; Elena Uhing; Mariana Valenzuela; Malynda Wenzl; and Mayor Peter Truax.
2. **STAFF PRESENT ATTENDED BY ZOOM WEBINAR:** Jesse VanderZanden, City Manager; Chris Crean, City Attorney; Brenda Camilli, Human Resources Manager; Paul Downey, Assistant City Manager/Finance Director; Jim Geering, Fire Chief; Bryan Pohl, Community Development Director; Gregory Robertson, Public Works Director; Dan Riordan, Senior Planner; Patrick Wineman, Fire Captain; and Anna Ruggles, City Recorder.

Mayor Truax introduced and welcomed Jim Geering, newly-hired Forest Grove Fire Chief, and by Intergovernmental Agreements, City of Cornelius and Rural Fire Districts of Cornelius, Gaston and Forest Grove.

3. Administer Oath of Office:

Fire Chief Geering administered the Oath of Office to Gregory Cates, Forest Grove Firefighter.

B. Public Comment:

1. CC11-22-2021 Written Public Comments received by 3:00 p.m. on the day of the meeting were published in the Council Packet.

No testimony was heard via Zoom.

C. Consent Agenda:

1. Approve City Council Work Sessions (Homelessness Legislation and Community Policing Advisory Commission (CPAC) Purpose and Bylaws) Meeting Minutes of November 8, 2021.
2. Approve City Council Regular Meeting Minutes of November 8, 2021.
3. Accept Community Forestry Commission (CFC) Meeting Minutes of October 13, 2021.
4. Accept Community Policing Advisory Commission (CPAC) Meeting Minutes of August 19, 2021.
5. Accept Parks and Recreation Commission (P&R) Meeting Minutes of June 17, July 21, August 18, and September 15, 2021.
6. Accept Public Arts Commission (PAC) Meeting Minutes of September 16, 2021.
7. Accept Sustainability Commission (SC) Meeting Minutes of September 23, 2021.

MOTION: Council President Wenzl moved, seconded by Councilor Kottkey, to approve the Consent Agenda as presented. **VOICE VOTE:** AYES: Councilors Gustafson, Kottkey, Rippe, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. **MOTION CARRIED 7-0.**

D. Additions/Deletions:

1. City Manager – none.
2. Proposed by Councilors – none.

E. Presentations:

1. Washington County Department of Housing Services, Supportive Housing Services Program Quarterly Report Q1 FY2021/22, Jes Larson, Supportive Housing Services Program Manager

Presented a PowerPoint presentation overview of Washington County's Supportive Housing Services (SHS) Program, Fall 2021 Implementation Update, noting Washington County currently operates 102 new year-round bridge shelter rooms (20 at Forest Grove Inn) and Winter Shelter Program provides 187 shelter beds and motel rooms and operates between November and March to provide life-saving emergency shelter. The County is looking for additional real property, buildings and/or sites that are located within Washington County's jurisdiction to expand the shelter programs.

F. Public Hearings, Ordinances, and Resolutions:

1. **CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2021-04 VACATING RIGHT-OF-WAY PROJECTING NORTH FROM PACIFIC AVENUE AT MOUNTAIN VIEW LANE INTERSECTION; APPLICANT: DOHERTY FORD (MICHAEL DOHERTY); FILE NO. 311-21-000036-PLNG**

The first reading of Ordinance No. 2021-04 by title and motion to adopt occurred at the meeting of November 8, 2021.

Staff Report:

Pohl presented the above-proposed ordinance for second reading, noting staff received written public comment as noted below. Pohl had nothing further to report.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of November 8, 2021, and explained hearing procedures.

Written Objections/Written Testimony Received:

Charlotte Lumaë, Forest Grove, submitted an e-mail dated November 8, 2021, asking to require the applicant to build sidewalks along their property as a condition of approval for vacating the right-of-way.

No other written objections or written testimony was received.

Proponents:

No one else testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

In response to Valenzuela's concern, Pohl advised the vacation criteria has been met pursuant to ORS, noting the areas where sidewalks are lacking will be addressed in the Forest Grove Safety Improvement Plan.

Hearing no further concerns from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of November 8, 2021.

VanderZanden read Ordinance No. 2021-04 by title for second reading.

ROLL CALL VOTE: AYES: Councilors Gustafson, Kottkey, Rippe, Valenzuela, Uhing, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

2. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2021-05 ANNEXING 24.5 +/- ACRES OF LAND INTO THE CITY LIMITS OF FOREST GROVE AND CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; WASHINGTON**

**COUNTY TAX LOT 1N330000100; APPLICANT: RYAN O'BRIEN, REPRESENTING
PROPERTY OWNER, DAVIS FAMILY TRUST; FILE NO. 311-21-000037-PLNG**

Staff Report:

Riordan presented the above-proposed ordinance for first reading, noting the proposed ordinance is annexing 24.5 +/- acres of land into the City limits and Clean Water Services District and withdrawing the tract from the Forest Grove Rural Fire Protection District; Washington County Tax Lot 1N330000100; Applicant: Ryan O'Brien, representing property owner, Davis Family Trust; File No. 311-21-000037-PLNG. The annexation is concurrent with Orders, which will be presented at the next Council meeting of December 13, 2021, proposing to amend the Comprehensive Plan Map for property subject to annexation to re-designate approximately 1.5 acres from Public to Medium Density Residential and amending Zoning Map to assign the Neighborhood Mixed Use and Residential Multifamily Low zoning designations to property subject to annexation; Washington County Tax Lot 1N330000100. In conclusion of the above-noted staff report, Riordan advised staff is recommending Council approve the proposed ordinance, as outlined in Exhibit A, and Exhibit B, and as outlined in Exhibit C, Findings of Fact for Approval of Annexation; and Planning Commission Findings and Decision No. 2021-04, dated November 1, 2021.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2021-05 for first reading.

VanderZanden read Ordinance No. 2021-05 by title for first reading.

MOTION: Councilor Rippe moved, seconded by Councilor Gustafson, to adopt Ordinance No. 2021-05 Annexing 24.5 +/- acres of land into the City Limits of Forest Grove and Clean Water Services District and Withdrawing the tract from the Forest Grove Rural Fire Protection District; Washington County Tax Lot 1N330000100; Applicant: Ryan O'Brien, Representing Property Owner, Davis Family Trust; File No. 311-21-000037-PLNG.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

No written testimony was received addressed to Council.

Proponents:

Ryan O'Brien, representing applicant/property owner, testified in support of the proposed annexation, noting the site has been sold and will be redeveloped. O'Brien referenced two letters in support, which were submitted at the Planning Commission hearing and included in the Council packet.

No one else testified.

Opponents:

No one testified.

Others:

No one testified.

Public Hearing Continued:

Hearing no further concerns from the Council, Mayor Truax continued the Public Hearing to December 13, 2021.

3. **INFORMATIONAL PUBLIC HEARING AND RESOLUTION NO. 2021-59
FORMATION OF PROPOSED REIMBURSEMENT DISTRICT PURSUANT TO CITY
CODE SECTIONS 151.110 TO 151.124, WAUNA CREDIT UNION PUBLIC
IMPROVEMENT REIMBURSEMENT DISTRICT**

Staff Report:

Robertson and Crean presented the above-proposed resolution for Council consideration, noting as required in Code Section 151.113, the proposed resolution contains the finalized Engineer's Report (Exhibit A) on the proposed formation of Wauna Credit Union (WCU) Public Improvement Reimbursement District, located at 3532 Pacific Avenue, Applicant. Robertson reported the Engineers Draft Report was pulled from the Council meeting agenda on August 10, 2020, Resolution No. 2020-85, to address issues concerning the allocation of costs among benefiting parcels within the proposed Reimbursement District. Subsequently, on January 25, 2021, Resolution 2021-06 was TABLED to a date uncertain to allow city attorney, staff and all parties time to address issues of mutual concern. The applicant is entitled to recoup a portion of the cost of the storm service improvement (Poplar Street Storm Pipe Extension Reimbursement District). Upon further examination and reconciliation, the total equivalent costs was \$191,652.00. The reimbursement on a per acre basis is \$20,089.31 and is consisting of 9.54 acres and five tax lots that would potentially benefit and be subject to reimbursement. The right to reimburse exists for 10 years from the district formation date and cannot exceed 20 years. In conclusion of the above-noted staff report, Robertson and Crean advised staff is recommending Council consider continuing the hearing to the next Council meeting of December 13, 2021, to allow a major property owner, who was unable to attend, an opportunity to attend the continuation hearing and provide testimony.

Informational Public Hearing Opened:

Mayor Truax opened the Informational Public Hearing and explained the hearing procedures.

Written Testimony Received:

Debi Smiley, Chief Marketing Officer, Wauna Credit Union, representing applicant, submitted written testimony dated October 28 and November 15, 2021.

Michael Robinson, Schwabe Williamson & Wyatt, representing Jesse Nemec, J. T. Smith Companies, submitted written testimony dated October 29, 2021.

No other written testimony was received.

Proponents:

Debi Smiley, Chief Marketing Officer, Wauna Credit Union, Forest Grove, applicant, testified in support and asked for resolution from the Council on the proposed Reimbursement District.

No one else testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

Michael Robinson, Schwabe Williamson & Wyatt, representing Jesse Nemec, J. T. Smith Companies, asked to continue the hearing to December 13, 2021, to allow the above-noted client, who is currently out of the country, to attend the hearing and provide testimony.

No one testified and no written comments were received.

Informational Public Hearing Continued:

Hearing no further concerns from the Council, Mayor Truax continued the Informational Public Hearing to December 13, 2021.

4. **RESOLUTION NO. 2021-60 AUTHORIZING CITY MANAGER TO ENDORSE AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN CITY OF FOREST GROVE AND WASHINGTON COUNTY FOR DESIGN OF GALES CREEK ROAD AT THATCHER ROAD INTERSECTION IMPROVEMENTS**

Staff Report:

Robertson presented the above-proposed resolution for Council consideration, noting the proposed resolution is authorizing the City Manager to endorse an Intergovernmental Agreement (IGA) between the City and Washington County for design of Gales Creek Road at Thatcher Road Intersection Improvements. Robertson reported the improvements include the reconfiguration of the intersection geometry to improve safety, a new pedestrian crossing with island harborage, sidewalks, curb and gutter and stormwater facilities. In conclusion of the above-noted staff report, Robertson advised staff is recommending Council approve the proposed resolution, as outlined in Exhibit A, noting the estimated project is approximately \$1,385,000 and City's share is \$605,000, which has been budgeted.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2021-60.

VanderZanden read Resolution No. 2021-60 by title.

MOTION: Councilor Kottkey moved, seconded by Councilor Rippe, to adopt Resolution No. 2021-60 Authorizing City Manager to Endorse an Intergovernmental Agreement (IGA) between City of Forest Grove and Washington County for Design of Gales Creek Road at Thatcher Road Intersection Improvements.

Council Discussion:

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Gustafson, Kottkey, Rippe, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

5. **RESOLUTION NO. 2021-61 ESTABLISHING AN AD-HOC SUBCOMMITTEE OF CITY COUNCIL WITH THE PURPOSE OF MAKING RECOMMENDATIONS TO CITY COUNCIL ON POTENTIAL SHELTER OPTIONS**

Staff Report:

VanderZanden presented the above-proposed resolution for Council consideration, noting at the November 8, 2021, work session, Council voiced consensus to form a Council subcommittee for the purpose of making recommendations to Council on potential shelter options. VanderZanden reported staff envisions this effort will be comprised of 3-4 meetings, including a tour, meetings with City and County staff, non-profits, and community members, and comprising recommendations. In conclusion of the above-noted staff report, VanderZanden advised staff is recommending Council approve the proposed resolution, as outlined in Exhibit A, noting if approved, the Ad-Hoc Subcommittee would be subjected to the public meetings law.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2021-61.

Mayor Truax reported Kottkey, Rippe and himself submitted interest in serving on the Ad-Hoc Subcommittee, to which the motion to amend was added as noted below.

MOTION: Councilor Uhing moved, seconded by Councilor Valenzuela, to adopt Resolution No. 2021-61 establishing an Ad-Hoc Subcommittee of City Council with the purpose of making recommendations to City Council on Potential Shelter Options; and Amending Section 3 to name members of the Ad-hoc Subcommittee: Councilor Kottkey, Councilor Rippe and Mayor Truax.

VanderZanden read Resolution No. 2021-61 by title as amended.

Council Discussion:

In response to Uhing's inquiry pertaining to the Council Subcommittee's date of completion, Mayor Truax advised the subcommittee will need approximately two months to complete the scope. In response to Uhing's inquiry pertaining to community input, VanderZanden advised public comment can be part of the subcommittee's scope.

Hearing no further concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Gustafson, Kottkey, Rippe, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

6. **RESOLUTION NO. 2021-62 AUTHORIZING EXECUTION OF A LABOR AGREEMENT BETWEEN CITY OF FOREST GROVE AND FOREST GROVE PAID FIREFIGHTER'S ASSOCIATION (FGPFA), EFFECTIVE JULY 1, 2021 AND EXPIRING JUNE 30, 2024**

Staff Report:

Camilli presented the above-proposed resolution for Council consideration, noting the resolution is authorizing execution of a labor agreement between the City and Forest Grove Paid Firefighters Association (FGPFA), effective July 1, 2021 through June 30, 2024. Camilli reported staff met with FGPFA and negotiated the labor agreement, noting language modifications to the agreement include the following:

- Implementation of "Kelly Days" at the rate of one every 16 shifts and the creation of two (2) additional shift schedules, allowing maximum deployment flexibility for a variety of shifts which will allow dynamic adaptability in responding to the increased demand for fire/EMS services.
- No COLA increase for the first year due to implementation of Kelly Days, which increases the hourly rate of pay for firefighters by 6.38% effective upon approval of the contract; wage increases were bargained for all classifications covered by the agreement of three percent (3.00%) each year effective on July 1, 2022 and July 1, 2023.
- Affected articles of the contract were revised due to addition of Kelly Days changing the scheduled work week of 24/48 shift employees from 56 to 52.64 hours.

Term: Extends the term of the labor agreement for three years, effective July 1, 2021, to June 30, 2023.

In addition, Camilli reported the costs to implement the monetary terms of the agreement are within the parameters set by Council. In conclusion of the above-noted staff report, Camilli advised staff is recommending Council consider approving the proposed FGPFA labor agreement as outlined in Exhibit A.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2021-62.

VanderZanden read Resolution No. 2021-62 by title.

MOTION: Council President Wenzl moved, seconded by Councilor Rippe, to adopt Resolution No. 2021-62 Authorizing Execution of a Labor Agreement between City of Forest Grove and Forest Grove Paid Firefighter's Association (FGPFA), Effective July 1, 2021 and Expiring June 30, 2024.

Council Discussion:

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Gustafson, Kottkey, Rippe, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

G. Council Communications:

1. Councilor Reports

Gustafson briefed attending the Red Door Project, noting she was very impressed with the training. Gustafson encouraged the boards and commissions to attend the training. In addition, Gustafson briefed attending Washington County Public Safety Coordinating Council meeting.

Kottkey's written report was distributed in the Council Packet. Kottkey briefed attending the Red Door Project. In addition, Kottkey presented Community Policing Advisory Commission's (CPAC) video highlighting CPAC's updates, which was presented by Carlos Covarrubias, Vice Chair.

Rippe briefed attending Washington County Coordinating Committee meeting. Rippe briefed on matters pertaining to National League of Cities (NLC) Transportation and Infrastructure Services (TIS) federal advocacy committee meeting. Rippe briefed attending Red Door Project. In addition, Rippe was highly commended on achieving a RAISE grant for the Council Creek Regional Trail Corridor.

Valenzuela briefed on matters pertaining to Washington County Community Development Block Policy Advisory meeting, noting she is advocating for implementation of codes to allow for manufactured homes on individual lots within residential zones and added protection for mobile home communities, similar to Cornelius's codes.

Uhing briefed on Senate Bill 582, pertaining to Recycling Moderation, which is effective January 1, 2022, noting Sustainability Commission will be reviewing the new bill and determine if any action is needed. In addition, Uhing highlighted on Sustainability Commission and Historic Landmarks Board-related activities. Uhing asked that a joint work session with CPAC be scheduled on a Council agenda to allow further discussion with CPAC. Additionally, Uhing asked that work session be scheduled on a Council agenda to review sections of the Council Rules pertaining to Mayor and Council President.

Council President Wenzl briefed attending Parks and Recreation Commission (P&R) meeting, noting she highly commends the Aquatic Center staff for implementing new improvements and recreational online registration.

2. City Manager's Report

VanderZanden briefed on the various department-related projects and activities and Council calendar updates. VanderZanden outlined the process for the two Council Subcommittee work sessions to conduct boards/commissions interviews, which will be held simultaneously on Monday, November 29, 2021, starting at 5:15 p.m., via Zoom. In addition, VanderZanden briefed on the League of Oregon Cities' (LOC) draft legislative concept to pilot city/cities/county homelessness response coordination, noting the draft pilot framework would fund five pilot coordinated programs with \$1 million each for two years. Interested communities are required to submit a formal letter of interest from the regional jurisdictions to LOC no later than December 10, 2021. Priority will be given to jurisdictions who can successfully meet all framework requirements. In conclusion of the discussion, VanderZanden asked for Council consensus to allow staff to work with Washington County to express interest in the program by submitting a letter of interest to the LOC, to which Council had no concerns.

3. Mayor's Report

Mayor Truax briefed on House Bill 2560, which is effective January 1, 2022 (ORS 192.670(3)), pertaining to Electronic Participation in Public Meetings, noting the bill requires, to the extent reasonable, the governing body of a public body to allow for virtual or electronic participation in public meetings. In addition, Mayor Truax briefed on various meetings he attended, community-related events and Washington County-related matters of interest.

H. Adjournment:

Mayor Truax adjourned the regular Council meeting at 9:38 p.m.

Respectfully submitted,

Anna D. Ruggles

Anna D. Ruggles, CMC, City Recorder